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18 SEP 2006

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In re Application of :
MIOUSSE, Danielle, et al. :
U.S. Application No.: 10/565,090 :
PCT No.: PCT/CA04/01045 :
Int. Filing Date: 15 July 2004 : DECISION
Priority Date: 18 July 2003 :
Attorney Docket No.: 710826-57620 :
For: NEW OXIDATION PROCESS FOR :
WATER TREATMENT :
:

This is a decision on applicant's "Letter to Legal Office," filed in the United States Patent and Trademark Office on 09 March 2006. It has been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 15 July 2004, applicant filed international application PCT/CA04/01045, claiming a priority date of 18 July 2003. The international application was transmitted to the Office by the International Bureau on 27 January 2005. Accordingly, the thirty-month period for paying the basic national fee in the United States expires at midnight on 18 January 2006.

On 18 January 2006, applicant filed a transmittal letter for entry into the national phase in the United States, accompanied by the basic national fee.

On 09 March 2006, applicant filed this request to abandon this national phase application.

On 05 July 2006, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

DISCUSSION

Applicant claims to have submitted two sets of papers for the national stage entry of international application number PCT/US04/01045. The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of two sets of national stage papers to enter the United States was improper. In such a circumstance, the two entries are normally consolidated into a single application. This consolidation sometimes requires a petition under 37 CFR 1.182.

However, in this situation, applicants have not identified the other national phase entry and further have incorrectly identified this entry as the national phase of PCT/US04/01045, rather than the national phase of PCT/CA04/01045.

Further, applicant's petition for express abandonment will not be acted upon. It was signed by an attorney who has not provided a power of attorney executed by all applicants or by the assignee.

CONCLUSION

Applicant's petition under 37 CFR 1.181 for express abandonment is **DISMISSED** without prejudice.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being returned to PCT Central Files to await a response to the Notification of Missing Requirements.

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